

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

**JOINDER OF THE CONGREGATION DEFENDANTS IN THE HALBERSTAM
DEFENDANTS' REPLY IN FURTHER SUPPORT OF THEIR MOTION TO DISMISS
THE AMENDED COMPLAINT**

Defendants Congregation Shaarei Zion of Bobov, Rabbinical College Bobover Yeshiva Bnei Zion, Yad Ephraim, Pesach Greenberg, Yachad D’Bobov, and Chaim Fleischer (collectively, the “Congregation Defendants”), by their undersigned attorneys, Cohen & Gresser LLP, hereby join in all portions of the Reply Brief in Support of the Motion to Dismiss Plaintiff’s Amended Complaint (the “Reply Brief”) submitted by Defendant Rabbi Ben Zion Halberstam and Rabbi Chaim S. Halberstam (the “Halberstam Defendants”) as the same legal arguments apply to both parties. The Congregation Defendants also assert the following supplemental argument.

I. Plaintiff’s Opposition Confirms the Absence of Facts Against the Congregation Defendants

As discussed in the Congregation Defendants’ Motion, Plaintiff’s Amended Complaint fails to state a claim because, among several reasons, it does not plead facts sufficient to allege any civil aiding and abetting liability against the Congregation Defendants. *See* Congregation Defendants’ Mot. at 10-16. Plaintiff’s Opposition does nothing to address the deficiencies of Plaintiff’s pleading, and instead highlights precisely why the Amended Complaint must be dismissed against the Congregation Defendants with prejudice. Specifically, Plaintiff’s Opposition argues that the Congregation Defendants somehow acted to aid and abet by (1) submitting statements in support of Defendant Daskal as part of his pre-sentencing memorandum; and (2) attempting to have an attorney speak for the community at Defendant Daskal’s sentencing hearing. Opp. at 11-12. The Congregation Defendants deny Plaintiff’s allegation that they attempted to intervene in any way. Further, for the reasons described in the Congregation Defendants’ Motion, neither of these routine and entirely appropriate acts in a judicial proceeding provide a basis for an assertion of aiding and abetting liability. Plaintiff’s

Amended Complaint must therefore be dismissed with prejudice against the Congregation Defendants.

CONCLUSION

For the reasons set forth herein and in the Reply Brief, the Court should grant the Halberstam Defendants and Congregation Defendants' motion to dismiss Plaintiff's Amended Complaint against them.

Dated: October 28, 2024
New York, New York

Respectfully submitted,

COHEN & GRESSER LLP

/s/ Mark S. Cohen

Mark S. Cohen
Matthew V. Povolny
800 Third Avenue, 21st Floor
New York, NY 10022
Phone: (212) 957-7600
Fax: (212) 957-4514

*Attorneys for Defendants Congregation
Shaarei Zion of Bobov, Rabbinical College
Bobover Yeshiva Bnei Zion, Yad Ephraim,
Pesach Greenberg, Yachad D'Bobov, and
Chaim Fleischer*